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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,016	03/23/2004	John Light	42P18075	5703

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EXAMINER

YUN, EUGENE

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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07/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/808,016

Applicant(s)

LIGHT ET AL.

Examiner

Eugene Yun

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12, 14-25, 28, 29, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Kamentsky et al. (US 2002/0122427).

Referring to Claim 1, Kamentsky teaches a method comprising:

Generating a moniker being associated with a first device (fig. 6A);

Providing the moniker to a second device, the second device including one or more services (see paragraph [0085]);

Receiving an inquiry message, at the first device, from the second device (see paragraph [0089]); and

Determining whether the first device should respond to the second device based on the moniker included in the inquiry message (see paragraph [0089]).

Referring to Claim 11, Kamentsky teaches a computerized method comprising:

Receiving a moniker, the moniker being associated with a mobile device (see paragraph [0085]); and

Broadcasting an inquiry message, the inquiry message including the moniker (see paragraph [0089]).

Referring to Claim 14, Kamentsky teaches an apparatus comprising:

A communication module to receive an inquiry message, wherein the inquiry message includes a moniker (see paragraph [0085]), the communications module to generate a response to the inquiry message upon determining the moniker is associated with the apparatus (see paragraph [0089]).

Referring to Claim 24, Kametnsky teaches an apparatus comprising:

A communications module to send an inquiry message to a mobile device, the inquiry message to include a moniker, the moniker being associated with the mobile device (see paragraph [0085]).

Referring to Claim 28, Kamentsky teaches a machine-accessible medium that provides instructions that, if executed by a machine, will cause the machine to perform operations comprising:

Receiving a moniker, the moniker being associated with a mobile device (see paragraph [0085]); and

Broadcasting the inquiry message, the inquiry message including the moniker (see paragraph [0089]).

Referring to Claims 2 and 17, Kamentsky also teaches the moniker as a word (see paragraph [0008]).

Referring to Claims 3 and 18, Kamentsky also teaches the moniker as a phrase (see paragraph [0008]).

Referring to Claims 4 and 19, Kamentsky also teaches the moniker as alphanumeric (see paragraph [0008]).

Referring to Claims 5 and 20, Kamentsky also teaches the moniker as a digital image (see paragraph [0008]).

Referring to Claims 6 and 21, Kamentsky also teaches the moniker including digital audio (see paragraph [0008]).

Referring to Claims 7 and 22, Kamentsky also teaches the moniker including a timestamp (see paragraph [0086]).

Referring to Claims 8 and 23, Kamentsky also teaches the moniker as a hash of at least one of a word, a phrase, an alphanumeric, a digital image, and a digital audio (see paragraph [0008]).

Referring to Claims 9 and 25, Kamentsky also teaches manually using an input device at the second device to provide the moniker (see paragraph [0084]).

Referring to Claim 10, Kamentsky also teaches providing the moniker from the first device to the second device using out-of-band communications (see paragraph [0057]).

Referring to Claims 12 and 29, Kamentsky also teaches receiving the moniker from a local input device (see paragraph [0084]).

Referring to Claim 15, Kamentsky also teaches the determining based upon a signal strength (see paragraph [0104]).

Referring to Claim 16, Kamentsky also teaches the determining based on whether the apparatus is currently connected with a host device (see paragraph [0105]).

Referring to Claim 31, Kamentsky also teaches storing the moniker within the first device (see paragraph [0007]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13, 26, 27, and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Kamentsky in view of Vatanen (US 2002/0172190).

Referring to Claims 13, 26, and 30, Kamentsky does not teach a Bluetooth compatible message enhanced with the moniker. Vatanen teaches a Bluetooth compatible message enhanced with the moniker (see paragraph [0006]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Vatanen to said device of Kamentsky in order to better verify absolute correctness of the information communicated.


Referring to Claim 27, Vatanen also teaches send via wireless communications (see paragraph [0006]).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Eugene Yun
Examiner
Art Unit 2618

EY


MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER